

Message Text

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ACTION IO-13

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TO SECSTATE WASHDC IMMEDIATE 5490

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E.O. 11652: N/A

TAGS: UN, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION: UGANDA CASE UNDER CONFIDENTIAL
PROCEDURES (ECOSOC RESOLUTION 1503)

1. HRC IN CLOSED SESSION BEGAN CONSIDERATION OF UGANDA CASE FEBRUARY 24. DISCUSSION WAS OPENED BY UGANDAN MINISTER OF JUSTICE WHO DELIVERED REPLY TO ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS AS CONTAINED IN SUBMISSION OF INTERNATIONAL COMMISSION OF JURISTS, WHICH WAS BASIS FOR SUBCOMMISSION REFERRAL OF UGANDAN CASE UNDER 1503 PROCEDURES TO HRC. ICE SUBMISSION, ENTITLED "SECOND REPORT ON VIOLATIONS OF HUMAN RIGHTS AND THE RULE OF LAW IN UGANDA, JUNE 1976," HAD BEEN REVIEWED BY HRC WORKING GROUP PRIOR TO OPENING OF PRESENT HRC SESSION. IN ITS REPORT WORKING GROUP MADE NO SPECIFIC RECOMMENDATIONS WITH RESPECT TO UGANDAN CASE, NOTING THAT HRC WOULD HAVE BEFORE IT SUBCOMMISSION RESOLUTION RECOMMENDING A THOROUGH STUDY OF THE SITUATION WITH RESPECT TO HUMAN RIGHTS IN UGANDA, IN PUBLIC PROCEEDINGS.

2. UGANDA'S STATEMENT CONSISTED OF GENERAL DENIAL

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OF ALL ALLEGATIONS AND A REFERRAL BACK TO HRC DECISION LAST YEAR WHICH UGANDA REP CLAIMED ABSOLVED UGANDAN GOVERNMENT OF BLAME.

3. UK REP MADE FORMAL PROPOSAL THAT HRC DECIDE THAT IN ACCORDANCE WITH PARAGRAPH 6 OF ECOSOC RES. 1503 THE HUMAN RIGHTS SITUATION IN UGNADA REQUIRED

A THOROUGH STUDY AND A REPORT AND RECOMMENDATIONS
THEREON TO ECOSOC.

4. U.S. REP (LOWENSTEIN) EXPRESSED SUPPORT FOR
UK PROPOSAL WHICH WAS BASED ON THE REPORT OF
THE HRC'S WORKING GROUP. USREP NOTED THAT RECENT
EVENTS IN UGANDA WOULD HAVE TO BE CONSIDERED
SEPARATELY AND HE EXPRESSED HIS INTENT TO RAISE THEM
AS A MATTER FOR PUBLIC DISCUSSION UNDER ITEM 12.
STATEMENTS IN SUPPORT OF UK PROPOSAL ALSO MADE BY
CANADA, SWEDEN, ITALY, COSTA RICA, FRG AND AUSTRIA.

5. IN RESPONSE TO A QUESTION BY SENEGAL AS TO
UGANDA'S OPINION OF THE UK PROPOSAL, THE UGANDAN REP
CHARACTERIZED THE RECENT SENSATIONAL REPORTS AS AN
EFFORT TO DISCREDIT UGANDA. HE REFERRED TO THE DANGERS
IN ESCALATING THE PRESENT SITUATION IN HIS COUNTRY AND
EXPRESSED PREFERENCE FOR OPENING A DIALOGUE BETWEEN
HIS GOVERNMENT AND THE HRC. STATEMENTS IN SUPPORT OF
THE UGANDAN POSITION WERE MADE BY REPRESENTATIVES OF
SYRIA AND LIBYA, BOTH OF WHOM SAW NOTHING NEW IN THE
UGANDAN SITUATION AS IT HAD ALREADY BEEN CONSIDERED
BY THE HRC LAST YEAR AND CHARACTERIZED THE CAMPAIGN
AGAINST UGANDA AS HAVING BEEN INSPIRED BY WESTERN
PRESSURE GROUPS. AFTER SOME FURTHER DISCUSSION, THE UK
REPRESENTATIVE INDICATED INTENTION TO REVISE HIS
PROPOSAL TO PROVIDE THAT THE HRC DETERMINE THAT THE
HUMAN RIGHTS SITUATION IN UGANDA SHOULD BE THE SUBJECT
OF AN INVESTIGATION BY AN AD HOC COMMITTEE
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UNDER PARAGRAPH 6(B) OF ECOSOC RESOLUTION 1503.

6. THE DISCUSSION WAS BRIEFLY INTERRUPTED BY
THE DIRECTOR OF THE UN DIVISION OF HUMAN RIGHTS,
SCHREIBER, WHO READ A COMMUNICATION SENT TO HIM BY THE
SECRETARY-GENERAL. THIS COMMUNICATION NOTED THAT THE
SECRETARY-GENERAL HAD MET TWICE WITH THE PERMREP OF
UGANDA AT UN HEADQUARTERS AND HAD FORMALLY REQUESTED
THE GOVERNMENT OF UGANDA TO ACCEPT AN IMPARTIAL
INTERNATIONAL INVESTIGATION OF THE CIRCUMSTANCES
SURROUNDING THE DEATH OF THREE INDIVIDUALS WHICH
OCCURRED LAST WEEK IN UGANDA. THE SECRETARY-GENERAL
NOTED HE HAD ACTED ON HIS OWN INITIATIVE AND UNDER THE
POWERS CONFERRED UPON HIM UNDER THE CHARTER. STATING
THAT HE DID NOT CONSIDER THAT HE REQUIRED ANY AUTHORITY
IN THIS REGARD FROM THE HRC, THE SECRETARY-GENERAL
CONCLUDED BY EXPRESSING THE VIEW THAT THE HRC SHOULD
DECIDE ON THE MEASURES IT CONSIDERED NECESSARY WITHIN
THE FRAMEWORK OF ITS ACTIVITIES.

7. OPENING OF THE A.M. MEETING OF FEBRUARY 25
WAS DELAYED BY A SPECIAL MEETING OF THE NON-ALIGNED
DELEGATIONS. AFTER THE MEETING CONVENED, THE
DELEGATION OF SENEGAL INTRODUCED A PROPOSAL (TEXT AT
END OF THIS MESSAGE), CO-SPONSORED BY EGYPT, INDIA,
LIBYAN ARAB REPUBLIC, RWANDA, SENEGAL, SYRIAN ARAB
REPUBLIC, UPPER VOLTA AND YUGOSLAVIA.

8. IN THE ENSUING DISCUSSION ON THE NON-ALIGNED
TEXT, THOSE NON-ALIGNED DELEGATIONS WHO SPOKE ALL
UNDER LINED THEIR DESIRES THAT THE UGANDA CASE NOT BE
DROPPED AND THAT ACTION APPROPRIATE TO THE CIRCUMSTANCES
BE TAKEN. ALL SPOKESMEN EMPHASIZED THAT THE NON-
ALIGNED PROPOSAL WAS THE ABSOLUTE LIMIT TO WHICH THE
NON-ALIGNED DELEGATIONS FELT IT POSSIBLE TO GO AT THIS
TIME. IN RESPONSE TO A QUERY, THE REPRESENTATIVE OF
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UGANDA STATED THAT HE HAD BEEN INSTRUCTED TO INFORM THE
HRC THAT THE NON-ALIGNED TEXT, WHOSE PURPOSE WAS TO
ESTABLISH A DIALOGUE WAS FULLY ACCEPTABLE TO HIS GOVERNMENT.
THE REPRESENTATIVE OF SENEGAL, SPEAKING FOR THE
CO-SPONSORS, INDICATED HE WOULD SEEK PRIORITY FOR THE
NON-ALIGNED RESOLUTION WHEN THE VOTING BEGAN.

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9. IN REACTION TO THE UGANDAN STATEMENT, WHICH THE UK REP INTERPRETED AS A REJECTION OF HIS PROPOSAL FOR AN INVESTIGATION, THE UK REP STATED THAT HE WOULD REVERT TO HIS ORIGINAL PROPOSAL CALLING FOR A THOROUGH STUDY AS NOTED ABOVE.

10. FURTHER DISCUSSION WAS INTERRUPTED BY A BRIEF SUSPENSION OF THE MEETING, MOVED BY EGYPT, FOR THE CO-SPONSORS TO CONSIDER THEIR REACTION TO THE PROPOSAL MADE BY THE USREP UNDER THE 24-HOUR RULE THAT THE VOTING ON THE PROPOSALS BEFORE THE HRC BE PUT OFF UNTIL THE NEXT MEETING. AFTER THE MEETING RECONVENED SENEGAL, SPEAKING FOR THE NON-ALIGNED, ANNOUNCED A RELUCTANT WILLINGNESS ON THE PART OF THE CO-SPONSORS TO AGREE TO THE DELAY IN THE VOTE, AS REQUESTED BY THE USREP.

11. THE NEXT PRIVATE SESSION TO CONCLUDE THE COMMISSION'S WORK ON THE 1503 CASES IS SCHEDULED FOR P.M. OF FEBRUARY 28. DELEGATION REQUESTS VOTING INSTRUCTIONS BY THAT TIME.

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12. COMMENT: ACCORDING TO OUR SURVEY OF WEO DELEGATIONS OF THE HRC, SWEDEN, ITALY, CANADA, FRG AND AUSTRIA WILL ABSTAIN ON THE NON-ALIGNED PROPOSAL. US DEL RECOMMENDED TO LONDON THAT THEY ABSTAIN AND RECEIVED INSTRUCTIONS TO VOTE "NO." CANADA HAS INDICATED THAT IF THE UK PROPOSAL WERE TO BE VOTED ON FIRST IT WOULD VOTE "YES" ON THE UK PROPOSAL AND IF THAT WERE DEFEATED IT WOULD VOTE "YES" ON THE NON-ALIGNED PROPOSAL. USDEL IS CONVENCED THAT THE NON-ALIGNED PROPOSAL CONSTITUTES THE MAXIMUM TO WHICH THE AFRICAN AND OTHER NON-ALIGNED STATES WILL AGREE AT THIS SESSION WITH RESPECT TO UGANDA. THEY IN EFFECT HAVE REJECTED THE RECOMMENDATION OF THE SUBCOMMISSION CALLING FOR A THOROUGH STUDY OF THE HUMAN RIGHTS SITUATION IN UGANDA. SINCE THE NON-ALIGNED PROPOSAL HAS BEEN PRESENTED AS A SERIOUS EFFORT ON THE PART OF ITS SPONSORS TO DEAL WITH THE UGANDA SITUATION IN A MANNER WHICH, IN THEIR VIEW, HAS THE BEST CHANCE OF MOVING THE GOVERNMENT OF UGANDA TO IMPROVE THE HUMAN RIGHTS SITUATION IN UGANDA, USDEL IS OF THE VIEW THAT WE SHOULD TAKE THESE PROTESTATIONS AT FACE VALUE AND NOT REPEAT NOT VOTE AGAINST THE NON-ALIGNED PROPOSAL. USDEL IS OF MIXED VIEWS AS TO WHETHER WE SHOULD CONSIDER A VOTE IN FAVOR OF THE

NON-ALIGNED PROPOSAL, SINCE IT IS A FOREGONE CONCLUSION THAT THE NON-ALIGNED PROPOSAL WILL BE THE DECISION OF THE HRC, THERE MAY BE MERIT IN RESPONDING POSITIVELY TO IT IN THE HOPE THAT SUCH A RESPONSE WILL GIVE MAXIMUM ENCOURAGEMENT TO THE CONSTRUCTIVE DIALOGUE WHICH MAY ENSUE UNDER THE PROPOSAL. THE NON-ALIGNED PROPOSAL, WHICH WOULD BE A DECISION TAKEN WITHIN THE FRAMEWORK OF RESOLUTION 1503, CAN BE UNDERSTOOD AS A PRELIMINARY TO FURTHER STEPS UNDER PARAGRAPH 6 OF RESOLUTION 1503, SHOULD THERE BE NO IMPROVEMENT IN THE UGANDAN SITUATION BY NEXT YEAR. IT SHOULD, HOWEVER, BE NOTED THAT BY ITS TERMS THE NON-ALIGNED PROPOSAL LIMITED OFFICIAL USE

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COVERS NOT ONLY THE SITUATION AS DEFINED IN THE ICJ DOCUMENT WHICH UNDERLIES THE CASE REFERRED BY THE SUBCOMMISSION, BUT ALSO RECENT EVENTS IN UGANDA. IF WE WERE TO SUPPORT THIS PROPOSAL WE MIGHT LIMIT OUR ABILITY TO CALL FOR MORE FAR-REACHING MEASURES IN A PUBLIC DISCUSSION OF THE UGANDA SITUATION.

13. FOLLOWING IS TEXT OF NON-ALIGNED PROPOSAL.

QUOTE:

THE COMMISSION ON HUMAN RIGHTS,

HAVING EXAMINED THE DOCUMENTARY MATERIAL RELEVANT TO THE SITUATION IN UGANDA, DECIDES, WITHIN THE FRAMEWORK OF RESOLUTION 1503 (XLVIII) OF THE ECONOMIC AND SOCIAL COUNCIL, DECIDES

1. TO REQUEST THE SECRETARY-GENERAL OF THE UNITED NATIONS TO ESTABLISH DIRECT CONTACT, ON A CONFIDENTIAL BASIS, WITH THE GOVERNMENT

OF UGANDA TO HELP CLARIFY SOME OF THE POINTS RAISED IN THE DOCUMENTARY MATERIAL AND, IN THIS CONNEXION, OTHER INCIDENTS RELATING TO THE HUMAN RIGHTS SITUATION IN UGANDA;

2. TO CONTINUE TO EXAMINE THE SITUATION RELATING TO UGANDA IN THE LIGHT OF ANY FURTHER INFORMATION THAT IT MIGHT RECEIVE FROM THE SECRETARY-GENERAL, THE GOVERNMENT OF UGANDA AND OTHER SOURCES.

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Message Attributes

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